

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JEREMY BRADLEY PEARSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18cv843 SNLJ
)	
JOSEPH MORRELL,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Plaintiff Jeremy Pearson claims that his constitutional rights were violated during an arrest by St. Louis police officers in 2016. He claims that, upon being apprehended for an attempted robbery, the officers tried to coerce him into explaining the whereabouts of stolen items by lifting up on his handcuffed hands until plaintiff's shoulder "popped." Plaintiff alleges he was taken to Barnes Jewish Hospital where it was determined that his shoulder was broken and torn in two places.

Plaintiff filed a Motion to Compel (#33) seeking (1) a statement from his criminal defense lawyer regarding his conversation with a witness to the above-described event, (2) documents from Barnes Jewish Hospital regarding his visit, and (3) information from the St. Louis Police Department about one of the two civilians who were involved in apprehending him.

Plaintiff's motion is premature with respect to all three requests. It appears plaintiff has not made formal discovery requests of any of the three parties. Plaintiff's

criminal defense lawyer and Barnes Jewish Hospital are not parties, so plaintiff must seek information from them through subpoenas. Fed. R. Civ. P. 45. Plaintiff can likely seek information from the Police Department through defendant Morrell through the usual discovery channels, including, for example, interrogatories. Fed. R. Civ. P. 33. Further, before filing a motion to compel, plaintiff must confer or attempt to confer with the person or party failing to make disclosure in order to obtain the discovery without court action. Fed. R. Civ. P. 37(a)(1).


The Clerk will send plaintiff subpoenas that he may fill out and send to non-parties from whom he seeks documents. This will not relieve plaintiff from any burden with respect to paying for copies.

Accordingly,

IT IS HEREBY ORDERED plaintiffs' motion to compel [#33] is DENIED.

IT IS FURTHER ORDERED that the Clerk of the Court will send plaintiff subpoenas that plaintiff may serve on third parties from whom he seeks documents.

Dated this 21st day of March, 2019.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE